

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,  
individually and on behalf of a class of all others  
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

**NOTICE OF MOTION AND MOTION TO COMPEL DEFENDANTS TO COMPLY  
WITH THE COURT'S DECEMBER 19, 2019 ORDER AND OTHER DISCOVERY  
OBLIGATIONS**

PLEASE TAKE NOTICE that Plaintiffs will move this Court, pursuant to Federal Rules of Civil Procedure 37(a)(3)(B)(iv) on a return date to be determined by the Court, for an Order:

1. Compelling Defendants to complete production of the twenty priority search terms and custodians by no later than November 7, 2020; the parties to meet and confer about the scope of any further ESI discovery by no later than November 11, 2020; Defendants to complete production of all remaining ESI documents by no later than December 11, 2020.
2. Compelling Defendants to produce, contemporaneous with each ESI production, a spreadsheet with the following metadata information: Beginning bates number (BEGDOC); Beginning bates number of all attachments (BEGATT); BCC field (emails only); Custodian; and Date.
3. Compelling Defendants to produce, within 14 days of its order, all the remaining IAD files, or provide an explanation, in a sworn affidavit, why they are incapable of doing so. If Defendants maintain that the remaining files have been lost or destroyed, Defendants should be ordered to explain the circumstances of that loss or destruction, including when, how, why, and by who, and to produce any relevant document retention policies
4. Compelling Defendants to produce, within 14 days of its order, (1) monthly Housing Unit reports for January 1, 2018 to present; (2) the first pages of Housing Unit and Strike Force Daily Reports for January 1, 2013-present and (3) the narratives for 36 Strike Force daily reports from the dates previously identified by Plaintiffs.

5. Compelling Defendants to supplement, within 14 days of its order, their responses to Interrogatories No. 1 and 12 to include the dates that each Strike Force, Housing Unit, and Traffic Unit officer were employed within those units.
6. Compelling Defendants to produce, within 14 days of its order, all documents responsive to Plaintiffs' Request for Production No. 79, or provide an explanation, in a sworn affidavit, why they are incapable of doing so. If Defendants maintain that the remaining files have been lost or destroyed, Defendants should be ordered to explain the circumstances of that loss or destruction, including when, how, why, and by who, and to produce any relevant document retention policies
7. Compelling Defendants to produce, within 14 days of its order, all documents responsive to RFP 76 and Plaintiffs' Fourth RFPs.
8. Awarding Plaintiffs Reasonable Fees and Expenses in bringing this motion, including attorneys' fees.
9. Scheduling regular status conferences to monitor discovery in this action.
10. Awarding any other relief that the Court deems appropriate.

In support of this motion, Plaintiffs file a Memorandum of Law and the Declaration of Claudia Wilner, with accompanying attachments. Plaintiffs affirm that they have in good faith conferred in an effort to obtain relief without court action, but were not successful in doing so.

Pursuant to Local Rule 7(a)(1), Plaintiffs hereby state that they intend to file and serve reply papers. Pursuant to Local Rule 7(b)(2)(B), if the Court does not set deadlines by order, any opposition will be due within fourteen days of today, and any reply papers will be due within seven days of the filing of opposition papers.

Dated: October 22, 2020

Respectfully Submitted,

/s/ Keisha A. Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2020, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

*/s/ Claudia Wilner*